Denny

MISSOURI DEPARTMENT OF CONSERVATION

Headquarters
2901 West Truman Boulevard, P.O. Box 180, Jefferson City, Missouri 65102-0180
Telephone: 573/751-4115 ▲ Missouri Relay Center: 1-800-735-2966 (TDD)

JERRY M. CONLEY, Director

June 3, 2002

Colonel William J. Bayles
District Engineer, Corps of Engineers
Clock Tower Building
P.O. Box 2004
Rock Island, IL 61204-2004

Dear Colonel Bayles:

Re: Upper Mississippi River - Illinois Waterway Navigation Study

The Missouri Department of Conservation appreciates the opportunity to provide the following on the restructured Navigation Study.

In our August 5, 1999, letter on the Navigation Study, we had concerns that environmental impacts/costs of current and future activities were not being fully investigated and therefore were not going to receive equal consideration. We expressed concerns with the high uncertainty contained in the models used to predict environmental impacts of current and increased traffic, the incomplete analysis of the environmental costs in the benefit/cost calculations for the proposed alternatives, the exclusion of cumulative effects of navigation-related impacts on the environment, the huge discrepancy between funding for Operation and Maintenance (O&M) and the Avoid and Minimize program, and the need for an updated EIS for the Nine-Foot Channel Project.

In the August 2, 2001, Project Guidance Memorandum, the Mississippi Valley Division was instructed to resume the Navigation Study under new guidelines. There are to be two products of the re-structured Study; an Interim Report due by July 2002, and a detailed, comprehensive implementation plan developed within a framework outlined in the Interim Report. Inclusion of environmental considerations relative to ecosystem sustainability in the Feasibility Study is a necessary first step toward addressing some of our previous concerns and achieving goals stated in several recent documents; for example, ***A River That Works*** and ***A Working River***.

In the Memorandum, the national significance of the UMR ecosystem and navigability is noted as are the problems associated with aging locks and the decline in ecosystem balance. However, historically, and currently in some forums, the ecosystem is referred to as a constraint on the navigation system. It is important that all recognize the UMR ecosystem has been constrained by adverse impacts associated with navigation since the mid-nineteenth century.

The National Research Council (NRC), in its evaluation of the original Navigation Study, recommended abandoning methods used in that effort to produce traffic forecasts because uncertainty inherent in the models was not considered. Study managers were directed to produce a range of future condition scenarios to be evaluated for inclusion in the final report. Those results are to be used by "decision-makers to consider relative risks and impacts of selecting a particular plan for implementation." The scenarios forecast traffic levels to 2050. The Department is concerned that such long-term scenario forecasts contain just as much uncertainty and may lead to bad decisions. We are more comfortable with scenarios that predict short-term (10 - 20 year) conditions.

The Memorandum gives guidance to the Corps to evaluate alternatives that would modify the navigation system, given reasonable opportunity, for ecosystem improvement or restoration. Within that item is a recommendation to address the Environmental Management Program (EMP) "to plan and implement ecosystem restoration measures that might be identified in this study." Given the fiscal and policy limitations within the EMP, we are not confident that ecosystem improvement or restoration funding in that program would ever be at a level that will ensure a sustainable system. The Department prefers to see a program that is tied directly to Navigation appropriations, guaranteeing that it will be fully funded, that adequately addresses ecosystem scale restoration or improvement and provides for expanding the long-term monitoring effort currently in place.

Many of the concerns expressed in the August 5, 1999, Statement of Concern from the Department to the Rock Island District Engineer have not been addressed: uncertainty in the models likely to be used that predict environmental impacts of traffic; the inaccuracy of the benefit/cost calculations due to incomplete analysis of the environmental costs; and the need for an updated Environmental Impact Statement for the Nine-Foot Channel Project. We are pleased that the restructured study will address the cumulative impacts of navigation system operation and maintenance on the ecosystem, and give equal consideration to environmental and navigation issues.

Thank you for the opportunity to comment on the study. You can be assured of our continued involvement and commitment to the natural resources of the Upper Mississippi River.

Sincerely,

for JERRY M. CONLEY
DIRECTOR

c: Governor Bob Holden
Steve Mahfood, Department of Natural Resources
Upper Mississippi River Basin Association
Upper Mississippi River Conservation Committee

Responses to comments from Missouri Department of Conservation (Conley) June 3, 2002

Ecosystem should not be considered a constraint on the Navigation system. The UMR-IWW System Navigation Study has been restructured to give equal consideration of fish and wildlife resources and navigation improvement planning consistent with recommendations from the National Research Council and Federal Principals Group. In the restructured study, alternative formulation will be structured to allow for a trade off analysis between navigation efficiency and environmental restoration measures. This structure will provide an opportunity to consider measures that negatively impact each other, are neutral to each, or complement each other.

Concerned with uncertainties in forecasting traffic beyond short term (10-20 years). The formulation and cost benefit analysis process requires a long term (50 year) forecast. However, near term forecasts will be evident and important in developing and recommending both the type of improvement and timing for any proposed improvements. It is also anticipated that an adaptive management framework will be established which allows for reevaluation as additional information is available relevant to the navigation system.

Given fiscal and policy limitations we are not confident that EMP funding would ever be adequate to ensure a sustainable system. The feasibility study will evaluate the addition of ecosystem restoration as a project purpose of the UMR-IWW navigation system. The feasibility study will also analyze whether EMP would continue as a separate project or be combined into the ecosystem restoration component of the broader dual-purpose project. This analysis will be fully integrated into the next EMP report to Congress.

Uncertainties in the models used to predict environmental impacts of traffic. The considerable uncertainties in forecasting future environmental conditions were considered very early on in the impact assessment for the Navigation study. In coordination with the Navigation Environmental Coordinating Committee and numerous subject matter experts, state of the art risk based assessment tools were developed. Considerable effort was made to acquire and use best available data with the assessment tools. In addition field data collection and laboratory efforts have continued during the restructuring of the study. The commitment to an adaptive management strategy allows us to incorporate new information as we seek to restore and maintain the UMR-IWW ecosystem.

Need for updated EIS Nine-foot channel project. The restructured study will address the navigation efficiency needs of the system, the ongoing cumulative effects of the nine-foot channel project, and the ecosystem restoration needs with a goal of attaining an environmentally sustainable navigation system. Following passage of the National Environmental Policy Act (NEPA), four Environmental Impact Statements (EIS's) were issued which addressed operation and maintenance of the Upper Mississippi River Project. Over the past twenty-five years, additional environmental documentation had been prepared as warranted, including an SEIS in 1997 for a new 50-year channel

maintenance master plan for the St. Paul District and over two hundred environmental assessments for individual maintenance actions that are different from the detailed activities adequately addressed in the four existing EIS's. Additionally, in 1999 the Corps voluntarily entered into consultation with the U.S. Fish and Wildlife Service under the Endangered Species Act as described in Section 2.3.2.2.10 of the Interim Report.

Since issuance of the four EIS's referenced above, there have been no proposed major changes in the operation and maintenance of the Projects other than the activities addressed in the 1997 SEIS. Any proposed major changes in operation and maintenance of the Projects will be addressed in the Programmatic EIS (PEIS) being prepared in conjunction with the Navigation Study Feasibility Report. Likewise, any significant new circumstances or information relevant to environmental concerns of on-going operation and maintenance of the Projects will be addressed in the PEIS.

The PEIS will address incremental effects of projected increases in navigation traffic for potential navigation improvements. The PEIS will also address ongoing effects of operation and maintenance of the 9-foot channel project, and evaluate modified operations and maintenance practices to benefit the environment. Additional environmental documentation will be prepared as required.

The Navigation Study Feasibility Report will examine the ongoing and cumulative impacts on the UMR-IWW. This analysis will have a broader and more holistic focus than a mitigation study that would attempt to isolate those impacts or portions of impacts that are solely attributable to the project. The result could be a recommended plan for Congressional authorization and appropriations that will be aimed at achieving an environmentally and economically sustainable system The preliminary conclusion set forth at section 3.2.5 of the Interim Report discusses the plan for the Feasibility Report to evaluate the addition of ecosystem restoration as a project purpose of the UMR-IWW navigation projects.